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6 UNITED STATES DISTRICT COURT  
7  
8 DISTRICT OF NEVADA

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10 UNITED STATES OF AMERICA,	)	
	)	2:21-cr-00236-JAD-EJY-1
11 Plaintiff,	)	
	)	
12 v.	)	<b><u>STIPULATION TO CONTINUE</u></b>
	)	<b><u>MOTIONS DEADLINE ONLY</u></b>
13 HENRIETTA BINFORD,	)	(Fifth Request)
	)	
14 Defendant.	)	

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16 IT IS HEREBY STIPULATED by and between Jason M. Frierson, United States  
17 Attorney, as well as Christopher Burton and Steven W. Myhre, Assistant United States  
18 Attorneys, Counsel for the United States of America; and Angela H. Dows, Esq., counsel for  
19 Defendant HENRIETTA BINFORD, that the pretrial motions and notices of defense deadline be  
20 moved for approximately sixty (60) days, to on or before December 19, 2022. The instant  
21 stipulation is not intended to request a continuance of the current calendar call and trial dates of  
22 January 30, 2023, and February 7, 2023, respectively.

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24 This is the fifth overall request for a continuance in this case, and the fourth request by  
25 instant counsel for Defendant HENRIETTA BINFORD. This Stipulation is entered into based  
26 upon the following:

- 27 1. That the parties request a continuance of the motions and notices of defense  
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1 deadline, which is currently set to expire on October 18, 2022.

- 2 2. The requested extension of the pretrial motions and notice of defense deadline  
3 from October 18, 2022 to December 19, 2022 is, in part, to allow for one or more  
4 persons hired by Defendant to review the discovery and/or witnesses in the case.  
5 One particular investigator hired by Defendant was approved in September of  
6 2022, thus requiring additional time to conduct work in the case, without  
7 revealing the nature or extent of the same.
- 8 3. That counsel for Defendant has conferred with her client, who does not object to  
9 the requested continuance.
- 10 4. That the additional time requested herein is not sought for purposes of delay, but  
11 merely to allow the parties sufficient time by which to investigate, research,  
12 respond and litigate any pretrial motions and/or defenses deemed necessary prior  
13 to trial.
- 14 5. The additional time requested by this stipulation does not request an extension of  
15 the time of trial. To the extent required, the additional time period requested to  
16 continue the matter serves the ends of justice and outweighs the best interest of  
17 the public and the defendant in a speedy trial pursuant to the Speedy Trial Act,  
18 specifically 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B).
- 19 6. Pursuant to 18 U.S.C. § 3161(h)(7)(B)(i) and (ii) denial of this request for  
20 continuance would result in a miscarriage of justice, as additional time is needed  
21 by which to effectively and thoroughly research and prepare for trial within the  
22 time limits established by 18 U.S.C. §3161, taking into account the exercise of  
23 due diligence.  
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1           7.       For all the above-stated reasons, the ends of justice would best be served by a  
2                           continuance of the pretrial motions and notices of defense deadline.

3           DATED this 14th day of October, 2022.

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5       JASON M. FRIERSON  
6       United States Attorney  
7       By: /s/ Steven W. Myhre  
8       STEVEN W. MYHRE  
9       Assistant United States Attorney  
10      By: /s/ Christopher Burton  
11      CHRISTOPHER BURTON  
12      Chief, Special Prosecutions Section  
13      Counsel for Plaintiff

          CORY READE DOWS & SHAFER  
          By: /s/ Angela H. Dows  
          ANGELA H. DOWS, ESQ.  
          Appointed Counsel for Defendant  
          Henrietta Binford

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,	)	
	)	2:21-cr-00236-JAD-EJY-1
Plaintiff,	)	
	)	
v.	)	<b><u>FINDINGS OF FACT,</u></b>
	)	<b><u>CONCLUSIONS OF LAW, AND</u></b>
HENRIETTA BINFORD,	)	<b><u>ORDER THEREON</u></b>
	)	
Defendant.	)	
	)	

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**FINDINGS OF FACT**

Based on the pending Stipulation of the parties, and good cause appearing therefore, the Court finds that:

1. Defense counsel requires a continuance of the motions and notices of defense deadline in order to review and research the case, including the review by one or more persons including hired investigator(s) in the case.
2. The parties also request additional time to effectively represent their clients in appropriately preparing the case for trial, however do not request an extension of the calendar call or trial dates at this time.
3. Defendant does not object to the continuance.

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**CONCLUSIONS OF LAW**

1. The additional time requested by this stipulation does not extend the time of trial. The period was previously found excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, specifically 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B).

2. Denial of this request for continuance would result in a miscarriage of justice, as additional time is needed by which to review the case, in a case involving charges of Healthcare Fraud and Aiding and Abetting, Aggravated Identity Theft and Aiding and Abetting, and False Statements Relating to Health Care Matters and Aiding and Abetting pursuant to 18 U.S.C. § 1347; 18 U.S.C. § 1028A; 18 U.S.C. § 1035(a) and 18 U.S.C. § 2.

3. Denial of this request for continuance would also deny the parties herein sufficient time and the opportunity within which to effectively and thoroughly research and prepare for trial within the time limits established by 18 U.S.C. §3161, taking into account the exercise of due diligence. For the above-stated reasons, the ends of justice would best be served by a continuance of the motions and notices of defense deadline, and such continuance outweighs the best interests of the public and the defendants in a speedy trial.

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**ORDER**

IT IS THEREFORE ORDERED that the parties shall have to and including December 19, 2022 within which to file any and all pretrial motions and notices of defense.

IT IS SO ORDERED.

Dated: October 26, 2022.

  
UNITED STATES DISTRICT JUDGE